

1993—No. 445

## TOTALIZATOR ACT 1916—RULE

(Totalizator Rule 1993)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Totalizator Act 1916, has been pleased to make the Rule set forth hereunder.

CHRISTOPHER DOWNY, M.P.,  
Minister for Sport Recreation and Racing.

## PART 1—PRELIMINARY

### Citation

1. This Rule may be cited as the Totalizator Rule 1993.

### Commencement

2. This Rule commences on 1 September 1993.

### Definitions

3. (1) In this Rule:

“**60-20-20 totalizator**” means a totalizator that is used to enable persons to invest money on a race with a view to successfully predicting a contestant that will fill any one of the first 3 places in the race;

“**betting window**”, in relation to a totalizator, means any place at which investments are made in connection with the totalizator;

“**Committee**”, in relation to a race meeting, means the Committee of the racing club holding the race meeting;

**“contestant”**, in relation to a race, means a horse or greyhound entered for the race at the opening of betting on the race, but does not include a horse or greyhound that is subsequently scratched from the race;

**“declaration of correct weight”** includes:

- (a) the all clear signal in respect of a harness racing race; and
- (b) the payout signal in respect of a greyhound race;

**“Department”** means the Department of Sport, Recreation and Racing;

**“double”** means a combination of 2 races that is declared to be a double by an order under clause 4;

**“doubles totalizer”** means a totalizer that is used to enable persons to invest money on a double with a view to successfully predicting the winners of the first and second legs of the double;

**“exacta totalizer”** means a totalizer that is used to enable persons to invest money on a race with a view to successfully predicting, in the correct order, the contestants that will fill the first 2 places in the race;

**“finisher”**, in relation to a race, means a starter that completes the race, but does not include a starter that is disqualified before the declaration of correct weight for the race;

**“golden superfecta race”** means a race that is declared to be a golden superfecta race by an order under clause 4;

**“payout window”**, in relation to a totalizer, means any place at which dividends or refunds are paid in connection with the totalizer;

**“quinella totalizer”** means a totalizer that is used to enable persons to invest money on a race with a view to successfully predicting, regardless of order, the contestants that will fill the first 2 places in the race;

**“Rules of Racing”** means the Rules of Racing and Rules of Betting of the Australian Jockey Club, the Rules of the Harness Racing Authority of New South Wales or the Rules of the Greyhound Racing Control Board, as the case requires;

**“starter”** means:

- (a) in relation to a horse race, a horse whose rider, jockey or driver has been ordered by the person starting the race to line up at or behind the starting point; and

(b) in relation to a greyhound race, a greyhound that has been placed in the starting boxes,

but does not include a horse or greyhound that is subsequently declared by the Stewards to be a non-starter;

**“Stewards”**, in relation to a race meeting, means:

(a) the stewards appointed by:

(i) the racing club holding the race meeting; or

(ii) the district racing association; or

(iii) the Australian Jockey Club; or

(iv) the Harness Racing Authority of New South Wales; or

(v) the Greyhound Racing Control Board; or

(b) the Committee of the racing club holding the race meeting; or

(c) in the case of a greyhound race meeting—such member, officer or employee of the Greyhound Racing Control Board as is authorised by that Board to act in the place of a steward at the race meeting;

**“superfecta race”** means a race that is declared to be a superfecta race by an order under clause 4;

**“superfecta totalizator”** means a totalizator that is used to enable persons to invest money on a superfecta race with a view to successfully predicting, in the correct order, the contestants that will fill the first 6 places in the race;

**“TAB”** means the Totalizator Agency Board constituted by the Totalizator (Off-course Betting) Act 1964;

**“the Act”** means the Totalizator Act 1916;

**“ticket”** means:

(a) a ticket issued in accordance with clause 7; or

(b) an acknowledgment of a bet issued in accordance with clause 7 of the Totalizator (Off-course Betting) Regulation 1983;

**“trifecta totalizator”** means a totalizator that is used to enable persons to invest money on a race with a view to successfully predicting, in the correct order, the contestants that will fill the first 3 places in the race;

**“unit of investment”** means 50 cents;

**“win and place totalizator”** means a totalizator that is used to enable persons to invest money on a race with a view to successfully predicting:

- (a) the winner of the race; or
- (b) a contestant that will fill any one of the first 3 places in the race.

**(2) In this Rule:**

- (a) a reference to the winning, second or third finisher in a race is a reference to the horse or greyhound declared by the Stewards to be the winning, second or third finisher in the race; and
- (b) a reference to the first 4, 5 or 6 finishers in a race is a reference to the horses or greyhounds declared by the Stewards to be the first 4, 5 or 6 finishers in the race.

**(3) A provision of this Rule that applies to a racing club or a committee of a racing club so applies only in so far as it relates to a totalizator conducted by the racing club.**

**(4) A provision of this Rule that applies to the TAB so applies only in so far as it relates to a totalizator conducted by the TAB.**

**Doubles, superfecta and golden superfecta races**

**4. (1) A racing club or the TAB may, by order in writing, declare a combination of 2 races to be a double.**

**(2) A racing club or the TAB may, by order in writing, declare a race to be a superfecta race.**

**(3) The Minister may, by order in writing, declare any superfecta race to be a golden superfecta race.**

**(4) In determining whether to declare a superfecta race to be a golden superfecta race, the Minister must have regard to:**

- (a) the amount of money that is in the jackpot pool for the race; and
- (b) the length of time that has elapsed since the last golden superfecta race.

**(5) For the purposes of this Rule, each superfecta race is to be considered to be of one of the following types, as appropriate to the type of race concerned:**

- (a) a metropolitan horse racing superfecta race;
- (b) a metropolitan harness racing superfecta race;
- (c) a metropolitan greyhound racing superfecta race;
- (d) in any case not covered by paragraph (a), (b) or (c)—a superfecta race of a type determined by the Minister.

**PART 2—INVESTMENTS****Matter to be exhibited**

**5. (1)** A racing club must print in the club's official race book the name and identifying number of each contestant in any race or races for which it conducts a totalizator.

**(2)** The TAB must exhibit, on a public notice board in each office, branch or agency of the TAB, the name and identifying number of each contestant in any race or races for which it conducts a totalizator.

**(3)** The identifying numbers used by the TAB must, as far as practicable, correspond with the identifying numbers used by the relevant racing club.

**(4)** Unless otherwise approved by the Minister, a racing club or the TAB, when conducting a totalizator, must exhibit to the public:

- (a) progressive totals of units invested on the totalizator in as close an approximation as possible to the actual progress of betting; and
- (b) the likely odds or dividends having regard to those progressive totals.

**Minimum investment**

**6.** The minimum amount that may be invested on a totalizator conducted by a racing club is a single unit of investment or such number of units of investment as may be approved by the Minister.

**Tickets**

**7. (1)** On accepting an investment on a totalizator, a racing club must issue a ticket to the investor.

**(2)** The ticket must show complete details of the investment in such form as the Minister may from time to time determine and notify to the club.

**(3)** If an investor claims that any information shown on the ticket is incorrect, the racing club may cancel the ticket and issue a replacement ticket.

**(4)** A racing club must not cancel a ticket unless the cancellation is in accordance with this clause or is done in circumstances approved by the Minister.

**(5)** A racing club is not required to cancel a ticket or issue a replacement ticket after an investor has left the betting window at which the ticket was issued.

**Rights of investors**

**8.** A person investing on a totalizer has, in respect of the investment, no rights other than those conferred by this Rule and, in the case of an investment made in accordance with the Totalizer (Off-course Betting) Regulation 1983, the rights conferred by that Regulation.

**Racing club etc. agent of investor, not stakeholder**

**9. (1)** An investor on a totalizer is considered to have irrevocably appointed the racing club conducting the totalizer or the TAB (and each of the officers, employees and agents of the club or TAB) as his or her agents in respect of the investment.

**(2)** Neither the racing club nor the TAB (nor any officers, employees or agents of the racing club or the TAB) are stakeholders of money invested on a totalizer.

**PART 3—DIVIDENDS AND REFUNDS****Declaration of dividends**

**10.** A racing club or the TAB must not declare or pay a dividend on a race or a combination of races except on the authorisation of the Stewards following a declaration of correct weight.

**Protests**

**11. (1)** If a protest is lodged in accordance with the rules of racing before the declaration of correct weight in a race, a dividend for that race must not be declared until the protest has been decided by the Stewards.

**(2)** Before making a decision on a protest the Stewards may order to be declared and paid (subject to the declaration of correct weight) such dividends as they are satisfied will not be affected by the result of the protest.

**Calculation of dividends**

**12.** A dividend is to be calculated on a single unit of investment.

**Notice of dividends**

**13. (1)** Immediately after a racing club or the TAB declares a dividend, it must cause notice of the amount of the dividend to be exhibited at a place appointed by the club or the TAB for that purpose.

**(2)** The notice must remain exhibited for the duration of the race meeting at or in respect of which the dividend was declared.

#### **Dividends and refunds to be paid on presentation of tickets**

**14. (1)** Unless otherwise approved by the Minister, a dividend or refund must not be paid except on presentation of a ticket.

**(2)** An investor is entitled to receive payment of a dividend or refund on a totalizator conducted by a racing club:

- (a) on presentation of the relevant ticket at the payout window on the day on which the dividend or refund becomes payable, but not later than 10 minutes after the last race on which investments are accepted by that racing club on that day; or
- (b) if it is impracticable for the investor to present the ticket within that time—on presentation of the ticket at the office of the secretary of the racing club, or at some other place appointed by the racing club, at any reasonable time within 2 months after the day on which the dividend or refund becomes payable; or
- (c) if it is impracticable for the investor to present the ticket within that time—on presentation of the ticket at the head office of the Department at any reasonable time after the expiration of that 2 month period.

**(3)** A racing club is not required to entertain a claim in respect of the short payment of a dividend or refund after the investor has left the payout window at which the dividend or refund was paid.

**(4)** If the ticket has been mutilated or defaced, payment may be made only with the approval of the Stewards or, if the ticket has been presented to the Department, with the approval of the Minister.

**(5)** A ticket held in respect of a race that has been postponed to another date is invalid except for the purpose of claiming a refund.

#### **PART 4—THE DIFFERENT TOTALIZATORS**

##### **Win and place totalizators**

**15. (1)** The win pool of a win and place totalizator must not be opened for a race if the number of contestants in the race is less than 2.

**(2)** The win pool of a win and glace totalizator must be terminated if the number of contestants in the race falls below 2 at any time before the start of the race or if there are no finishers in the race.

**(3)** The place pool of a win and place totalizer must not be opened for a race if the number of contestants in the race is less than 5.

**(4)** The place pool of a win and place totalizer must be terminated if the number of contestants in the race falls below 5 at any time or if there are no finishers in the race.

**(5)** A win and place totalizer must be terminated if the race is abandoned or postponed to another date.

**(6)** Schedule 1 applies to the payment of dividends and refunds with respect to a win and place totalizer.

### **60-20-20 totalizers**

**16. (1)** A 60-20-20 totalizer must not be opened for a race if the number of contestants in the race is less than 2.

**(2)** A 60-20-20 totalizer must be terminated if the number of contestants in the race falls below 2 at any time before the start of the race or if there are no finishers in the race.

**(3)** A 60-20-20 totalizer must be terminated if the race is abandoned or postponed to another date.

**(4)** Schedule 2 applies to the payment of dividends and refunds with respect to a 60-20-20 totalizer.

### **Quinella totalizers**

**17. (1)** A quinella totalizer must not be opened for a race if the number of contestants in the race is less than 3.

**(2)** A quinella totalizer must be terminated if the number of contestants in the race falls below 3 at any time before the start of the race or if there are less than 2 finishers in the race.

**(3)** A quinella totalizer must be terminated if the race is abandoned or postponed to another date.

**(4)** Schedule 3 applies to the payment of dividends and refunds with respect to a quinella totalizer.

### **Exacta totalizers**

**18. (1)** An exacta totalizer must not be opened for a race if the number of contestants in the race is less than 2.

(2) An exacta totalizer must be terminated if the number of contestants in the race falls below 2 at any time before the start of the race or if there are less than 2 finishers in the race.

(3) An exacta totalizer must be terminated if the race is abandoned or postponed to another date.

(4) Schedule 4 applies to the payment of dividends and refunds with respect to an exacta totalizer.

### **Trifecta totalizers**

**19.** (1) A trifecta totalizer must not be opened for a race if the number of contestants in the race is less than 3.

(2) A trifecta totalizer must be terminated if the number of contestants in the race falls below 3 at any time before the start of the race or if there are less than 2 finishers in the race.

(3) A trifecta totalizer must be terminated if the race is abandoned or postponed to another date.

(4) Schedule 5 applies to the payment of dividends and refunds with respect to a trifecta totalizer.

### **Superfecta totalizers**

**20.** (1) A superfecta totalizer must not be opened for a race if the number of contestants in the race is less than 6.

(2) The investment pool of a superfecta totalizer must be terminated if the number of contestants in the race falls below 6 at any time before the start of the race or if there are less than 4 finishers in the race.

(3) The investment pool of a superfecta totalizer must be terminated if the race is abandoned or postponed to another date.

(4) A race ceases to be a superfecta race for the purposes of this Rule:

(a) if the number of contestants in the race is greater than there are numbers available on the totalizer; or

(b) if the number of contestants in the race is less than 6; or

(c) if no investments are received in the totalizer by the close of betting on the race; or

(d) if the investment pool for the race is terminated under this Rule.

(5) Schedule 6 applies to the payment of dividends and refunds with respect to a superfecta totalizer.

**Doubles totalizators**

**21. (1)** A doubles totalizator must not be opened to accept investments if the number of contestants in either or both legs of the double is less than 2.

**(2)** Schedule 7 applies to the payment of dividends and refunds with respect to a doubles totalizator.

**PART 5—MISCELLANEOUS****Re-runs**

**22. (1)** If a race is re-run the racing club or the TAB may re-open the totalizator for the re-run.

**(2)** The amount invested on the first run of the race must be dealt with in accordance with the result of the re-run.

**Bracketed contestants**

**23. (1)** This clause applies to win and place, quinella, exacta and doubles totalizators.

**(2)** If there are more contestants in a race than there are numbers available on a totalizator, the Committee or the TAB may create a sufficient number of brackets to overcome the difficulty.

**(3)** Each bracket must, as far as possible, include 2 contestants only.

**(4)** In the case of a totalizator conducted by a racing club:

(a) the bracketed contestants must be shown in the official race book; and

(b) the bracketed contestants must be given the same number in the official race book, those other than the first within a bracket having a distinguishing letter alongside the number; and

(c) the bracket number in the official race book is to be shown in the margin outside the bracket; and

(d) the bracketed contestants are to be given one number only on the totalizator and that number is to correspond with the number shown in the official race book.

**(5)** In the case of a totalizator conducted by the TAB:

(a) the bracketed contestants must be known on a public notice board in each office, branch or agency of the TAB prior to opening for receipt of bets; and

- (b) the bracketed contestants must be given the same number, those other than the first within a bracket having a distinguishing letter alongside the number; and
- (c) the bracket number is to be shown outside the bracket; and
- (d) the brackets must correspond with the brackets on the on-course totalizator.

(6) If totalizator betting is conducted under section 3B of the Act on a race held on another racecourse, the contestants in the race must not be bracketed unless they are bracketed on the totalizator into which the bets are to be paid and the same brackets are used.

(7) Investors on a bracket number are taken to be investors on every contestant included in the bracket.

#### **Powers of Committee, TAB and Stewards**

24. (1) If, in relation to a function of the Committee, the TAB or the Stewards, any event should happen or circumstance arise that is not provided for by this Rule or the Totalizator (Off-course Betting) Regulation 1983, the matter is to be dealt with in such manner as the Committee, the TAB or the Stewards may determine.

(2) The decision of the Committee or the TAB on:

- (a) a question or dispute as to the amount of a dividend or refund; or
- (b) a question as to the genuineness of a ticket or as to any forgery or alteration of a ticket or tampering with a ticket,

is final and conclusive.

(3) Any decision made under this clause by the Committee or Stewards of a racing club conducting a totalizator into which bets are paid by another racing club is binding on the Committee and Stewards of that other racing club.

#### **Publication of Rule etc.**

25. (1) A racing club conducting a totalizator and the manager of an office, branch or agency of the TAB must keep a copy of this Rule in each totalizator building, office, branch or agency for perusal on request.

(2) An investor is considered to have made himself or herself acquainted with this Rule and to have agreed to be bound by it.

**Notice to investors**

**26.** A racing club conducting a totalizator must affix and keep affixed in a prominent position on the outside of the totalizator building, while the totalizator is in use, a clearly printed notice in the form set out below.

**NOTICE TO INVESTORS**

*Investors should satisfy themselves before leaving a betting or payout window that the information on the ticket is correct or that the correct amount of dividend or refund has been paid, as the case may be.*

*No claim in respect of the issue of a ticket or the short payment of a dividend or refund will be entertained after the investor has left the window.*

*Copies of the Totalizator Rule 1993 may be perused by investors on request.*

**Repeals**

**27. (1)** The following rules are repealed:

- (a) the Doubles Totalizator Rules 1964;
- (b) the Quinella Totalizator Rules 1964;
- (c) the Win and Place Totalizator Rules 1964;
- (d) the Forecast Totalizator Rules 1968;
- (e) the Trifecta Totalizator Rule 1977;
- (f) the Superfecta Totalizator Rule 1986;
- (g) the Totalizator (60-20-20) Rule 1991.

**(2)** Any act, matter or thing that, immediately before the commencement of this Rule, had effect under such a rule is taken to have effect under this Rule.

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**SCHEDULE 1—WIN AND PLACE TOTALIZATORS**

(Cl. 15)

**PART 1—DIVIDENDS****Division 1—Win pool****Application of Division**

1. This Division is subject to Division 6.

**Distribution of dividend generally**

2. (1) Money invested on a win and place totalizer with a view to successfully predicting the winner of a race (less any amounts deducted under Part 3 of the Act or under Part 3 of the Totalizer (Off-course Betting) Act 1964) is to be paid into a win pool.

(2) The win pool is (except to the extent otherwise provided by this Division) to be divided among the investors on the winner.

**Unbacked winners**

3. (1) If the winner is not backed, the win pool is to be divided among the investors on the second finisher.

(2) If neither the winner nor the second finisher is backed, the win pool is to be divided among the investors on the third finisher.

**Dead-heat for first place**

4. (1) If there is a dead-heat for first place:

(a) the win pool is to be divided into as many equal parts as there are backed finishers running in the dead-heat; and

(b) each part is to be divided among the investors on each such finisher.

(2) This clause applies to a dead-heat for second or third place in the event that the win pool is to be divided among the investors on the second or third finisher.

**Division 2—Two-dividend races****Application of Division**

5. (1) This Division applies if there are less than 8 starters in a race and if Division 3 does not apply.

- (2) This Division is subject to Divisions 4, 5 and 6.

**Distribution of dividend generally**

6. (1) Money invested on a win and place totalizer with a view to successfully predicting a placegetter in a race to which this Division applies (less any amounts deducted under Part 3 of the Act or under Part 3 of the Totalizer (Off-course Betting) Act 1964) is to be paid into a place pool.

(2) The place pool is (except to the extent otherwise provided by this Division) to be divided into 2 equal parts, of which:

- one part is to be divided among the investors on the winner; and
- the other part is to be divided among the investors on the second finisher.

#### **Unbacked winners or placegetters**

7. (1) If the winner is not backed, the whole of the place pool is to be divided among the investors on the second finisher.

(2) If the second finisher is not backed, the whole of the place pool is to be divided among the investors on the winner.

(3) If neither the winner nor the second finisher is backed, the whole of the place pool is to be divided among the investors on the third finisher.

#### **Dead-heat for first place**

8. (1) If there is a dead-heat for first place:

- the place pool is to be divided into as many equal parts as there are backed finishers running in the dead-heat; and
- each part is to be divided among the investors on each such finisher.

(2) This clause applies to a dead-heat for second or third place in the event that the whole of the place pool is to be divided among the investors on the second or third finisher in accordance with clause 7.

#### **Dead-heat for second place**

9. (1) If there is a dead-heat for second place:

- such part of the place pool as is to be divided among the investors on the second finisher is to be divided into as many equal parts as there are backed finishers running in the dead-heat; and
- each part is to be divided among the investors on each such finisher.

(2) This clause does not apply to a dead-heat for second place in the event that the whole of the place pool is to be divided among the investors on the second finisher in accordance with clause 7.

### **Division 3—Three-dividend races**

#### **Application of Division**

10. (1) This Division applies:

- if there are 8 or more starters in a race; or
- in a case where the TAB operates a place totalizator on a race (either on its own behalf or as an agent for a racing club):
  - if there were 8 or more contestants entered in the race at 9.30 a.m. on the day of the race; and
  - if there are 7 starters in the race; or

- (c) in the case where a totalizator on a race is conducted by a racing club and the TAB is not transmitting any bets to the course on the race:
  - (i) if there were 8 or more contestants entered in the race at the time of commencement of receiving bets through the totalizator (including bets received from another racing club); and
  - (ii) if there are 7 starters in the race.
- (2) This Division is subject to Divisions 4, 5 and 6.

#### **Distribution of dividend generally**

11. (1) Money invested on a win and place totalizator with a view to successfully predicting a placegetter in a race to which this Division applies (less any amounts deducted under Part 3 of the Act or under Part 3 of the Totalizator (Off-course Betting) Act 1964) is to be paid into a place pool.

- (2) The place pool is (except to the extent otherwise provided by this Division) to be divided into 3 equal parts, of which:
  - (a) one part is to be divided among the investors on the winner; and
  - (b) the second part is to be divided among the investors on the second finisher; and
  - (c) the third part is to be divided among the investors on the third finisher.

#### **Unbacked winners**

- 12. (1) If the winner is not backed:
  - (a) the whole of the place pool is to be divided into 2 equal parts; and
  - (b) one part is to be divided among the investors on the second finisher; and
  - (c) the other part is to be divided among the investors on the third finisher.
- (2) If neither the winner nor the second finisher is backed, the whole of the place pool is to be divided among the investors on the third finisher.
- (3) If neither the winner nor the third finisher is backed, the whole of the place pool is to be divided among the investors on the second finisher.

#### **Unbacked placegetters**

- 13. (1) If the winner is backed but the second finisher is not backed:
  - (a) the place pool is to be divided into 2 equal parts; and
  - (b) one part is to be divided among the investors on the winner; and
  - (c) the other part is to be divided among the investors on the third finisher.
- (2) If the winner is backed but the third finisher is not backed:
  - (a) the place pool is to be divided into 2 equal parts; and
  - (b) one part is to be divided among the investors on the winner; and
  - (c) the other part is to be divided among the investors on the second finisher.
- (3) If the winner is backed but neither the second nor the third finisher is backed, the place pool is to be divided among the investors on the winner.

**Dead-heat for first place between 2 finishers**

14. (1) If 2 finishers dead-heat for first place and both are backed:

- two-thirds of the place pool is to be divided into 2 equal parts; and
- each part is to be divided among the investors on each backed finisher running in the dead-heat.

(2) If 2 finishers dead-heat for first place but 1 only is backed:

- the whole of the place pool is to be divided into 2 equal parts; and
- one part is to be divided among the investors on the backed finisher running in the dead-heat; and
- the other part is to be divided among the investors on the third finisher.

(3) If 2 finishers dead-heat for first place but neither is backed, the whole of the place pool is to be divided among the investors on the third finisher.

**Dead-heat for first place between 3 or more finishers**

15. If 3 or more finishers dead-heat for first place:

- the place pool is to be divided into as many equal parts as there are backed finishers running in the dead-heat; and
- each part is to be divided among the investors on each such finisher.

**Dead-heat for second place**

16. (1) If 2 or more finishers dead-heat for second place:

- two-thirds of the place pool is to be divided into as many equal parts as there are backed finishers running in the dead-heat; and
- each part is to be divided among the investors on each such finisher.

(2) If 1 only of those finishers is backed:

- the whole of the place pool is to be divided into 2 equal parts; and
- one part is to be divided among the investors on the winner; and
- the other part is to be divided amongst the investors on the backed second finisher.

**Dead-heat for third place**

17. (1) If 2 or more finishers dead-heat for third place:

- one-third of the place pool is to be divided into as many equal parts as there are backed finishers running in the dead-heat; and
- each part is to be divided among the investors on each such finisher.

(2) If none of the finishers is backed:

- the whole of the place pool is to be divided into 2 equal parts; and
- one part is to be divided among the investors on the winner; and
- the other part is to be divided among the investors on the second finisher.

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#### Division 4—Bracketed placegetters

##### Bracketed placegetters

18. (1) If, in a race to which Division 3 applies, 2 finishers bracketed together run a dead-heat, they are to be counted as 2 separate finishers.

(2) If finishers bracketed together:

- (a) run first and second, first and third or second and third; or
- (b) run a dead-heat for first or second places,

two-thirds of the place pool is to be divided among the investors on those finishers.

(3) If finishers bracketed together run a dead-heat for third place, one-third of the place pool is to be divided among the investors on those finishers.

#### Division 5—Deficiency in place pool

##### Dividend where deficiency in one part of place pool

19. (1) This clause applies if:

- (a) the place pool has been divided in accordance with Division 2 or 3; and
- (b) in not more than 1 part (in this clause referred to as the “**deficient part**”) of the place pool there is insufficient money to enable a dividend equal to the unit of investment to be declared in respect of that part; and
- (c) the amount of the deficiency is greater than the amount deducted as commission.

(2) If this clause applies, there must, before any dividend is declared, be deducted:

- (a) from the part, other than the deficient part; or
- (b) if there are 2 or more parts that are not deficient parts, from those parts in proportion to the amounts standing in those parts,

an amount sufficient to enable a dividend equal to the unit of investment to be declared in respect of the deficient part, less the commission.

(3) The amount so deducted is to be added to the deficient part.

##### Dividend where deficiency in 2 or more parts of place pool

20. (1) This clause applies if:

- (a) the place pool has been divided in accordance with Division 3; and
- (b) in each of 2 or more parts (in this clause referred to as the “**deficient parts**”) of the place pool there is insufficient money to enable dividends equal to the unit of investment to be declared in respect of those parts; and
- (c) the aggregate of the amounts of those deficiencies is greater than the amount deducted as commission.

(2) If this clause applies, there must, before any dividend is declared, be deducted:

- (a) from the part, other than the deficient parts; or
- (b) if there are 2 or more parts that are not deficient parts, from those parts in proportion to the amounts standing in those parts,

an amount equal to the aggregate of the amounts of the deficiencies in the deficient parts, less the commission.

(3) The amount so deducted is to be added to the deficient parts so that, if the commission were also added to the deficient parts, there would be produced in each of the deficient parts an amount not greater than the amount required in each of those parts to declare a dividend equal to the unit of investment.

#### **Division 6—Application of sec. 10H (3) of the Act**

##### **Sec. 10H (3) of the Act (minimum dividends) not to apply in certain cases**

21. (1) Section 10H (3) of the Act does not apply to the win pool of a win and place totalizator if the total amount of the dividends payable from the win pool in accordance with Division 1 would, but for this subclause, exceed the total amount paid into the win pool (less any amounts refundable to investors).

(2) Section 10H (3) of the Act does not apply to the place pool of a win and place totalizator:

- (a) if the total money invested on any one of the finishers in respect of which a dividend is payable under Division 2 is more than one-half of the sum of the place pool and any amount deducted as commission; or
- (b) if the total money invested on any one of the finishers in respect of which a dividend is payable under Division 3 is more than two-fifths of the sum of the place pool and any amount deducted as commission; or
- (c) if the total amount of the dividends payable from the place pool in accordance with Division 2 or 3 would, but for this paragraph, exceed the total amount paid into the place pool (less any amounts refundable to investors).

#### **PART 2—REFUNDS**

##### **Termination of win or place pool**

22. If a totalizator win or place pool for a race is terminated under this Rule, the whole amount invested on the race must be refunded to the investors.

##### **Non-starters**

23. (1) If a contestant on which money has been invested does not become a starter in a race (including a re-run race), the money invested on the contestant must be refunded to the investors.

(2) This clause does not apply if the non-starter is part of a bracket (unless all the contestants in the bracket become non-starters).

**Walk-overs etc.**

24. (1) If there is a walk-over in a race, the whole amount invested on the race must be refunded to the investors.

(2) If the winner and the second and third finishers are not backed in the win pool or place pool the whole amount invested in that pool must be refunded to the investors.

**SCHEDEULE 2—60-20-20 TOTALIZATORS**

(Cl. 16)

**PART 1—DIVIDENDS****Division 1—One-dividend races****Application of Division**

1. This Division applies if there are less than 5 starters in a race.

**Distribution of dividend generally**

2. (1) Money invested on a 60-20-20 totalizator in a race to which this Division applies (less any amounts deducted under Part 3 of the Act or under Part 3 of the Totalizator (Off-course Betting) Act 1964) is to be paid into a dividend pool.

(2) The dividend pool is (except to the extent otherwise provided by this Division) to be divided among the investors on the winner.

**Unbacked winners**

3. (1) If the winner is not backed, the dividend pool is to be divided among the investors on the second finisher.

(2) If neither the winner nor the second finisher is backed, the dividend pool is to be divided among the investors on the third finisher.

**Dead-heat for first place**

4. (1) If there is a dead-heat for first place:

- (a) the dividend pool is to be divided into as many equal parts as there are backed finishers running in the dead-heat; and
- (b) each part is to be divided among the investors on each such finisher.

(2) This clause applies to a dead-heat for second or third place in the event that the dividend pool is to be divided among the investors on the second or third finisher.

### **Division 2—Two-dividend races**

#### **Application of Division**

5. (1) This Division applies if there are 5 or more but less than 8 starters in a race.  
 (2) This Division is subject to Division 4.

#### **Distribution of dividend generally**

6. (1) Money invested on a 60-20-20 totalizator in a race to which this Division applies (less any amounts deducted under Part 3 of the Act or under Part 3 of the Totalizator (Off-course Betting) Act 1964) is to be paid into a dividend pool.  
 (2) The dividend pool is (except to the extent otherwise provided by this Division) to be divided:  
 (a) as to 75 per cent, among the investors on the winner; and  
 (b) as to the remaining 25 per cent, among the investors on the second finisher.

#### **Unbacked winners**

7. (1) If the winner is not backed, the whole of the dividend pool is to be divided among the investors on the second finisher.  
 (2) If neither the winner nor the second finisher is backed, the whole of the dividend pool is to be divided among the investors on the third finisher.

#### **Unbacked placegetters**

8. If the second finisher is not backed, the whole of the dividend pool is to be divided among the investors on the winner.

#### **Dead-heat for first place**

9. (1) If there is a dead-heat for first place:  
 (a) the whole of the dividend pool is to be divided into as many equal parts as there are backed finishers running in the dead-heat; and  
 (b) each part is to be divided among the investors on each such finisher.  
 (2) This clause applies to a dead-heat for second or third place in the event that the whole of the dividend pool is to be divided among the investors on the second or third finisher in accordance with clause 7.

**Dead-heat for second place**

10. (1) If there is a dead-heat for second place:

- (a) the 25 per cent referred to in clause 6 (2) (b) is to be divided into as many equal parts as there are backed finishers running in the dead-heat; and
- (b) each part is to be divided among the investors on each such finisher.

(2) If 1 only of the finishers is backed, the whole of the 25 per cent is to be divided among the investors on that finisher.

(3) This clause does not apply to a dead-heat for second place in the event that the whole of the dividend pool is to be divided among the investors on the second finisher in accordance with clause 7.

**Division 3—Three-dividend races****Application of Division**

11. (1) This Division applies if there are 8 or more starters in a race.

(2) This Division is subject to Division 4.

**Distribution of dividend generally**

12. (1) Money invested on a 60-20-20 totalizator in a race to which this Division applies (less any amounts deducted under Part 3 of the Act or under Part 3 of the Totalizator (Off-course Betting) Act 1964) is to be paid into a dividend pool.

(2) The dividend pool is (except to the extent otherwise provided by this Division) to be divided:

- (a) as to 60 per cent, among the investors on the winner; and
- (b) as to 20 per cent, among the investors on the second finisher; and
- (c) as to the remaining 20 per cent, among the investors on the third finisher.

**Unbacked winners**

13. (1) If the winner is not backed:

- (a) the whole of the dividend pool is to be divided into 2 equal parts; and
- (b) one part is to be divided among the investors on the second finisher; and
- (c) the other part is to be divided among the investors on the third finisher.

(2) If neither the winner nor the third finisher in the race is backed, the whole of the dividend pool is to be divided among the investors on the second finisher.

(3) If neither the winner nor the second finisher in the race is backed, the whole of the dividend pool is to be divided among the investors on the third finisher.

**Unbacked placegetters**

14. (1) If the second finisher is not backed, the 20 per cent referred to in clause 12 (2) (b) is to be added to the amount to be divided among the investors on the winner.

(2) If the third finisher is not backed, the 20 per cent referred to in clause 12 (2) (c) is to be added to the amount to be divided among the investors on the winner.

**Dead-heat for first place between 2 finishers**

15. (1) If 2 finishers dead-heat for first place:

- 80 per cent of the dividend pool (being the sum of the percentages referred to in clause 12 (2) (a) and (b)) is to be divided into 2 equal parts; and
- each part is to be divided among the investors on each backed finisher running in the dead-heat.

(2) If 1 only of the finishers is backed, the whole of the 80 per cent is to be divided among the investors on that finisher.

(3) If neither of the finishers is backed, the whole of the 80 per cent is to be added to the amount to be divided among the investors on the third finisher.

**Dead-heat for first place between 3 or more finishers**

16. If 3 or more finishers dead-heat for first place:

- the dividend pool is to be divided into as many equal parts as there are backed finishers running in the dead-heat; and
- each part is to be divided among the investors on each such finisher.

**Dead-heat for second place**

17. If 2 or more finishers dead-heat for second place:

- 40 per cent of the dividend pool (being the sum of the percentages referred to in clause 12 (2) (b) and (c)) is to be divided into as many equal parts as there are finishers (backed or unbacked) running in the dead-heat; and
- each part relating to a backed finisher is to be divided among the investors on that finisher; and
- each part relating to an unbacked finisher is to be added to the amount to be divided among the investors on the winner.

**Dead-heat for third place**

18. (1) If 2 or more finishers dead-heat for third place:

- the 20 per cent referred to in clause 12 (2) (c) is to be divided into as many equal parts as there are backed finishers running in the dead-heat; and
- each part is to be divided among the investors on each such finisher.

(2) If none of the finishers is backed, the whole of the 20 per cent is to be added to the amount to be divided among the investors on the winner.

**Division 4—Deficiency in dividend pool**

**Dividend where deficiency in one part of dividend pool**

19. (1) This clause applies if:

- the dividend pool has been divided in accordance with Division 2 or 3; and

- (b) in not more than 1 part (in this clause referred to as the “**deficient part**”) of the dividend pool there is insufficient money to enable a dividend equal to the unit of investment to be declared in respect of that part; and
- (c) the amount of the deficiency is greater than the amount deducted as commission.

(2) If this clause applies, there must, before any dividend is declared, be deducted:

- (a) from the part, other than the deficient part; or
- (b) if there are 2 or more parts that are not deficient parts, from those parts in proportion to the amounts standing in those parts,

an amount sufficient to enable a dividend equal to the unit of investment to be declared in respect of the deficient part, less the commission.

(3) The amount so deducted is to be added to the deficient part.

#### **Dividend where deficiency in 2 or more parts of dividend pool**

20. (1) This clause applies if:

- (a) the dividend pool has been divided in accordance with Division 3; and
- (b) in each of 2 or more parts (in this clause referred to as the “**deficient parts**”) of the dividend pool there is insufficient money to enable dividends equal to the unit of investment to be declared in respect of those parts; and
- (c) the aggregate of the amounts of those deficiencies is greater than the amount deducted as commission.

(2) If this clause applies, there must, before any dividend is declared, be deducted:

- (a) from the part, other than the deficient parts; or
- (b) if there are 2 or more parts that are not deficient parts, from those parts in proportion to the amounts standing in those parts,

an amount equal to the aggregate of the amounts of the deficiencies in the deficient parts, less the commission.

(3) The amount so deducted is to be added to the deficient parts so that, if the commission were also added to the deficient parts, there would be produced in each of the deficient parts an amount not greater than the amount required in each of those parts to declare a dividend equal to the unit of investment.

#### **PART 2—REFUNDS**

##### **Termination of totalizator pool**

21. If a totalizator pool for a race is terminated under this Rule, the whole amount invested on the race must be refunded to the investors.

**Non-starters**

22. If a finisher on which money has been invested does not become a starter in a race (including a re-run race), the money invested on the finisher must be refunded to the investors.

**Walk-overs etc.**

23. If there is a walk-over in a race, or if none of the winners or placegetters in a race are backed, the whole amount invested on the race must be refunded to the investors.

**SCHEDULE 3—QUINELLA TOTALIZATORS**

(Cl. 17)

**PART 1—DIVIDENDS****Distribution of dividend generally**

1. (1) Money invested on a quinella totalizator (less any amounts deducted under Part 3 of the Act or under Part 3 of the Totalizator (Off-course Betting) Act 1964) is to be paid into a dividend pool.

(2) The dividend pool is (except to the extent otherwise provided by this Part) to be divided among the investors on the combination comprising the winner and the second finisher.

(3) If there are no investors on that combination, the dividend pool is to be divided among the investors on the combination comprising the winner and the third finisher.

(4) If there are no investors on either of the combinations referred to in subclauses (2) and (3), the dividend pool is to be divided among the investors on the Combination comprising the second finisher and the third finisher.

(5) A dividend payable under this Part in respect of a combination of finishers selected by an investor is payable irrespective of the order in which the finishers finished.

**Dead-heat for first place between 2 finishers**

2. (1) If 2 finishers dead-heat for first place, the dividend pool is to be divided among the investors on the combination comprising those finishers.

(2) If there is no backed combination under subclause (1) and there is no dead-heat for third place:

(a) the dividend pool is to be divided into 2 equal parts; and

(b) one part is to be divided among the investors on a combination comprising a finisher running in the dead-heat and the third finisher; and

- (c) the other part is to be divided among the investors on a combination comprising the other finisher running in the dead-heat and the third finisher.
- (3) If there is no backed combination under subclause (1) and there is a dead-heat for third place:
  - (a) the dividend pool is to be divided into as many equal parts as there are backed combinations comprising a finisher running in the dead-heat for first place and a finisher running in the dead-heat for third place; and
  - (b) each part is to be divided among the investors on each such combination.
- (4) If there is no backed combination under subclause (1) or (3) and there is a dead-heat for third place:
  - (a) the dividend pool is to be divided into as many equal parts as there are backed combinations comprising 2 of the finishers running in the dead-heat for third place; and
  - (b) each part is to be divided among the investors on each such combination.
- (5) If 1 only of the combinations referred to in subclause (2), (3) or (4) is backed, the whole of the dividend pool is to be divided among the investors on that combination.

**Dead-heat for first place between 3 or more finishers**

- 3. If 3 or more finishers dead-heat for first place:
  - (a) the dividend pool is to be divided into as many equal parts as there are backed combinations comprising 2 of those finishers; and
  - (b) each part is to be divided among the investors on each such combination.

**Dead-heat for second place**

- 4. (1) If 2 or more finishers dead-heat for second place:
  - (a) the dividend pool is to be divided into as many equal parts as there are backed combinations comprising the winner and a finisher running in the dead-heat; and
  - (b) each part is to be divided among the investors on each such combination.
- (2) If none of the combinations comprising the winner and a finisher running in the dead-heat is backed:
  - (a) the dividend pool is to be divided into as many equal parts as there are backed combinations comprising 2 of the finishers running in the dead-heat; and
  - (b) each part is to be divided among the investors on each such combination.

**Dead-heat for third place**

- 5. (1) If 2 or more finishers dead-heat for third place:
  - (a) the dividend pool is to be divided into as many equal parts as there are backed combinations comprising the winner and a finisher running in the dead-heat; and
  - (b) each part is to be divided among the investors on each such combination.

(2) If none of the combinations comprising the winner and a finisher running in the dead-heat is backed:

- (a) the dividend pool is to be divided into as many equal parts as there are backed combinations comprising the second finisher and a finisher running in the dead-heat; and
- (b) each part is to be divided among the investors on each such Combination.

(3) If there are no backed combinations comprising the winner or the second finisher and a finisher running in the dead-heat:

- (a) the dividend pool is to be divided into as many equal parts as there are backed combinations comprising 2 of the finishers running in the dead-heat; and
- (b) each part is to be divided among the investors on each such combination.

(4) This clause does not apply if there is a dead-heat for first place or if there are investors on the combination comprising the winner and the second finisher.

#### **Bracketed placegetters**

6. (1) For the purpose of apportionment of dividends, a placegetter identified on the totalizator by a bracket number is to be treated as if it had a separate number.

(2) If 2 finishers included in a common bracket number run a dead-heat for first place, run first and second, run first and third, run a dead-heat for second or run second and third, the dividend pool is to be divided among the investors on any combination comprising the bracket number and the other placed finisher.

(3) If no such combination is backed, the dividend pool is to be divided among the investors on combinations comprising the bracket number and any other starter.

#### **Sec. 10H (3) of the Act (minimum dividends) not to apply in certain cases**

7. Section 10H (3) of the Act does not apply to a quinella totalizator if the total amount of the dividends payable in accordance with this Part would, but for this clause, exceed the total amount paid into the totalizator (less any amounts refundable to investors).

### **PART 2—REFUNDS**

#### **Termination of totalizator pool**

8. If a totalizator pool for a race is terminated under this Rule, the whole amount invested on the race must be refunded to the investors.

#### **Non-starters**

9. (1) If a combination of contestants on which money has been invested includes a contestant that does not become a starter in a race (including a re-run race), the money invested on the combination must be refunded to the investors.

(2) This clause does not apply if the non-starter is part of a bracket (unless all the contestants in the bracket become non-starters).

**No combination backed**

10. If none of the combinations in respect of which dividends are payable are backed, the whole amount invested on the race must be refunded to the investors.

**SCHEDULE 4—EXACTA TOTALIZATORS**

(Cl. 18)

**PART 1—DIVIDENDS****Distribution of dividend generally**

1. (1) Money invested on an exacta totalizer (less any amounts deducted under Part 3 of the Act or under Part 3 of the Totalizer (Off-course Betting) Act 1964) is to be paid into a dividend pool.

(2) The dividend pool is (except to the extent otherwise provided by this Part) to be divided among the investors on the combination comprising the winner and the second finisher in the correct order.

(3) If there are no investors on that combination, the dividend pool is to be divided among the investors on the combination comprising the winner and the third finisher in the correct order.

(4) If there are no investors on either of the combinations referred to in subclauses (2) and (3), the dividend pool is to be divided among the investors on the combination comprising the second finisher and the third finisher in the correct order.

**Dead-heat for first place between 2 finishers**

2. (1) If 2 finishers dead-heat for first place:

(a) the dividend pool is to be divided into as many equal parts as there are backed combinations comprising the finishers running in the dead-heat; and

(b) each part is to be divided among the investors on each such combination.

(2) If there is no backed combination under subclause (1) and there is no dead-heat for third place:

(a) the dividend pool is to be divided into 2 equal parts; and

(b) one part is to be divided among the investors on a combination comprising, in the correct order, a finisher running in the dead-heat and the third finisher; and

(c) the other part is to be divided among the investors on a combination comprising, in the correct order, the other finisher running in the dead-heat and the third finisher.

(3) If there is no backed combination under subclause (1) and there is a dead-heat for third place:

(a) the dividend pool is to be divided into as many equal parts as there are backed combinations comprising, in the correct order, a finisher running in the dead-heat for first place and a finisher running in the dead-heat for third place; and

(b) each part is to be divided among the investors on each such combination.

(4) If there is no backed combination under subclause (1) or (3) and there is a dead-heat for third place:

(a) the dividend pool is to be divided into as many equal parts as there are backed combinations comprising 2 of the finishers running in the dead-heat for third place; and

(b) each part is to be divided among the investors on each such combination.

(5) If 1 only of the combinations referred to in subclause (2), (3) or (4) is backed, the whole of the dividend pool is to be divided among the investors on that combination.

#### **Dead-heat for first place between 3 or more finishers**

3. If 3 or more finishers dead-heat for first place:

(a) the dividend pool is to be divided into as many equal parts as there are backed combinations comprising 2 of those finishers; and

(b) each part is to be divided among the investors on each such combination.

#### **Dead-heat for second place**

4. (1) If 2 or more finishers dead-heat for second place:

(a) the dividend pool is to be divided into as many equal parts as there are backed combinations comprising, in the correct order, the winner and a finisher running in the dead-heat; and

(b) each part is to be divided among the investors on each such combination.

(2) If none of the combinations comprising, in the correct order, the winner and a finisher running in the dead-heat is backed:

(a) the dividend pool is to be divided into as many equal parts as there are backed combinations comprising 2 of the finishers running in the dead-heat; and

(b) each part is to be divided among the investors on each such combination.

#### **Dead-heat for third place**

5. (1) If 2 or more finishers dead-heat for third place:

(a) the dividend pool is to be divided into as many equal parts as there are backed combinations comprising, in the correct order, the winner and a finisher running in the dead-heat; and

(b) each part is to be divided among the investors on each such combination.

(2) If none of the combinations comprising the winner and a finisher running in the dead-heat in the correct order is backed:

- (a) the dividend pool is to be divided into as many equal parts as there are backed combinations comprising, in the correct order, the second finisher and a finisher running in the dead-heat; and
- (b) each part is to be divided among the investors on each such combination.

(3) If there are no backed combinations comprising, in the correct order, the winner or the second finisher and a finisher running in the dead-heat:

- (a) the dividend pool is to be divided into as many equal parts as there are backed combinations comprising 2 of the finishers running in the dead-heat; and
- (b) each part is to be divided among the investors on each such combination.

(4) This clause does not apply if there is a dead-heat for first place or if there are investors on the combination comprising the winner and the second finisher in the correct order.

#### **Bracketed placegetters**

6. (1) For the purpose of apportionment of dividends, a placegetter identified on the totalizator by a bracket number is to be treated as if it had a separate number.

(2) If 2 finishers included in a common bracket number run a dead-heat for first place, run first and second, run first and third, run a dead-heat for second or run second and third, the dividend pool is to be divided among the investors on any combination comprising the bracket number and the other placed finisher in the correct order.

(3) If no such combination is backed, the dividend pool is to be divided among the investors on combinations comprising, in the correct order, the bracket number and any other starter.

#### **Sec. 10H (3) of the Act (minimum dividends) not to apply in certain cases**

7. Section 10H(3) of the Act does not apply to an exacta totalizator if the total amount of the dividends payable in accordance with this Part would, but for this clause, exceed the total amount paid into the totalizator (less any amounts refundable to investors).

### **PART 2—REFUNDS**

#### **Termination of totalizator pool**

8. If a totalizator pool for a race is terminated under this Rule, the whole amount invested on the race must be refunded to the investors.

#### **Non-starters**

9. (1) If a combination of contestants on which money has been invested includes a contestant that does not become a starter in a race (including a re-run race), the money invested on the combination must be refunded to the investors.

(2) This clause does not apply if the non-starter is part of a bracket (unless all the contestants in the bracket become non-starters).

#### **No combination backed**

10. If none of the combinations in respect of which dividends are payable under Part 1 are backed, the whole amount invested on the race must be refunded to the investors.

### **SCHEDULE 5—TRIFECTA TOTALIZATORS**

(Cl. 19)

#### **PART 1—DIVIDENDS**

##### **Distribution of dividend generally**

1. (1) Money invested on a trifecta totalizer (less any amounts deducted under Part 3 of the Act or under Part 3 of the Totalizator (Off-course Betting) Act 1964) is to be paid into a dividend pool.

(2) The dividend pool is (except to the extent otherwise provided by this Part) to be divided among the investors on the combination comprising the winner and the second and third finishers in the correct order.

##### **Dead-heats for first place between 2 finishers**

2. (1) If 2 finishers dead-heat for first place:

(a) the dividend pool is to be divided into as many equal parts as there are backed combinations comprising the finishers running in the dead-heat and the third finisher in the correct order; and

(b) each part is to be divided among the investors on each such combination.

(2) If 2 finishers dead-heat for first place and there is also a dead-heat for third place:

(a) the dividend pool is to be divided into as many equal parts as there are backed combinations comprising the finishers running in the dead-heat for first place and one of the finishers running in the dead-heat for third place in the correct order; and

(b) each part is to be divided among the investors on each such combination.

##### **Dead-heats for first place between 3 or more finishers**

3. If 3 or more finishers dead-heat for first place:

(a) the dividend pool is to be divided into as many equal parts as there are backed combinations comprising 3 of the finishers running in the dead-heat; and

(b) each part is to be divided among the investors on each such combination.

**Dead-heats for second place**

4. If 2 or more finishers dead-heat for second place:
  - (a) the dividend pool is to be divided into as many equal parts as there are backed combinations comprising, in the correct order, the winner and 2 of the finishers running in the dead-heat; and
  - (b) each part is to be divided among the investors on each such combination.

**Dead-heats for third place**

5. (1) If 2 or more finishers dead-heat for third place:
  - (a) the dividend pool is to be divided into as many equal parts as there are backed combinations comprising, in the correct order, the winner, the second finisher and one of the finishers running in the dead-heat; and
  - (b) each part is to be divided among the investors on each such combination.
- (2) This clause does not apply if there is a dead-heat for first place.

**Other divisions of dividend pool**

6. (1) This clause applies if there are no investors on the combinations referred to in clauses 1–5.
- (2) The dividend pool is to be divided among the investors who have selected, in the order specified, the first of the following combinations that is backed:
  - (a) winner—third—second;
  - (b) second—winner—third;
  - (c) second—third—winner;
  - (d) third—winner—second;
  - (e) third—second—winner;
  - (f) winner—second—any other starter;
  - (g) winner—third—any other starter;
  - (h) second—winner—any other starter;
  - (i) second—third—any other starter;
  - (j) third—winner—any other starter;
  - (k) third—second—any other starter;
  - (l) winner—any other 2 starters;
  - (m) second—any other 2 starters;
  - (n) third—any other 2 starters.

(3) If 2 or more finishers dead-heat for a place, each is taken to have filled the place it was declared by the judge to fill and such number of succeeding places as is equal to the number of those finishers less one.

- (4) If a combination specified in subclause (2) includes 2 or more finishers that dead-heat for a place:
  - (a) the dividend pool is to be divided into as many equal parts as there are backed combinations, in the correct order; and
  - (b) each part is to be divided among the investors on each such combination.

**Sec. 10H (3) of the Act (minimum dividends) not to apply in certain cases**

7. Section 10H (3) of the Act does not apply to a trifecta totalizator if the total amount of the dividends payable in accordance with this Part would, but for this clause, exceed the total amount paid into the totalizator (less any amounts refundable to investors).

**PART 2—REFUNDS****Termination of totalizator pool**

8. If a totalizator pool for a race is terminated under this Rule, the whole amount invested on the race must be refunded to the investors.

**Non-starters**

9. If a combination of contestants on which money has been invested includes a contestant that does not become a starter in a race (including a re-run race), the money invested on the combination must be refunded to the investors.

**No combination backed**

10. If none of the combinations in respect of which dividends are payable under Part 1 are backed, the whole amount invested on the race must be refunded to the investors.

**SCHEDULE 6—SUPERFECTA TOTALIZATORS** (Cl. 20)**PART 1—DIVIDENDS****Jackpot pool**

1. For each superfecta race there is to be a jackpot pool consisting of the amounts required to be paid into the jackpot pool in respect of the previous superfecta race of the same type.

**Investment pool**

2. (1) Money invested on a superfecta totalizator is to be paid into an investment pool.

(2) Ten per cent of the amount remaining in the investment pool (less any amounts deducted under Part 3 of the Act or under Part 3 of the Totalizator (Off-course Betting) Act 1964 and less any refunds on scratchings) is to be paid into the jackpot pool for the next superfecta race of the same type.

**Dividend pool**

3. For each superfecta race there is to be a dividend pool into which is to be paid:

- any amount contained in the jackpot pool for the race; and
- the amount remaining in the investment pool after payment of the jackpot contribution.

**Distribution of dividend pool**

4. (1) In the case of a superfecta race (other than a golden superfecta race) in which there are 6 or more finishers, the dividend pool is to be paid:

- to the investors who have selected the first 6 finishers in correct order; or
- if no investor has selected the first 6 finishers in correct order:
  - as to such part of that amount as was in the jackpot pool for the race, into the jackpot pool for the next superfecta race of the same type; and
  - as to 70 per cent of the remainder of that amount, into the jackpot pool for the next superfecta race of the same type; and
  - as to 30 per cent of the remainder of that amount, into the consolation pool for the race to which the dividend pool relates.

(2) In the case of a golden superfecta race in which there are 6 or more finishers, the dividend pool is to be paid:

- to the investors who have selected the first 6 finishers in correct order; or
- if no investor has selected the first 6 finishers in correct order—into the golden superfecta pool.

(3) In the case of a superfecta race (including a golden superfecta race) in which there are 4 or 5 finishers only, such part of the amount contained in the dividend pool as was in the jackpot pool for the race is to be paid into the jackpot pool for the next superfecta race of the same type.

(4) The amount remaining in the dividend pool after the payment referred to in subclause (3) has been made is, in the case of a race in which there are 5 finishers only, to be paid:

- to the investors who have selected the 5 finishers in correct order, together with any other starter; or
- if no investor has selected the 5 finishers in correct order:
  - as to 70 per cent of that amount, into the jackpot pool for the next superfecta race of the same type; and
  - as to 30 per cent of that amount, into the consolation pool for the race to which the dividend pool relates.

(5) The amount remaining in the dividend pool after the payment referred to in subclause (3) has been made is, in the case of a race in which there are 4 finishers only, to be paid:

- to the investors who have selected the 4 finishers in correct order, together with any other 2 starters; or
- if no investor has selected the 4 finishers in correct order, into the jackpot pool for the next superfecta race of the same type.

**Consolation pool**

5. (1) For each superfecta race (other than a golden superfecta race) there is to be a consolation pool into which is to be paid any amount required to be paid into the pool pursuant to clause 4 (1) (b) or clause 4 (4) (b).

(2) In the case of a race in which there are 6 or more finishers, the amount contained in the consolation pool for a race is to be paid:

- (a) to the investors who have selected the first 5 finishers in correct order, together with any other starter; or
- (b) if no investor has selected the first 5 finishers in correct order—to the investors who have selected the first 4 finishers in correct order, together with any other 2 starters; or
- (c) if no investor has selected the first 4 finishers in correct order—into the jackpot pool for the next superfecta race of the same type.

(3) In the case of a race in which there are 5 finishers only, the amount contained in the consolation pool is to be paid:

- (a) to the investors who have selected the first 4 finishers in correct order, together with any other 2 starters; or
- (b) if no investor has selected the first 4 finishers in correct order, into the jackpot pool for the next superfecta race of the same type.

**Golden superfecta pool**

6. (1) For each golden superfecta race there is to be a golden superfecta pool into which is to be paid any amount required to be paid into the pool pursuant to clause 4 (2) (b).

(2) The amount contained in the golden superfecta pool is to be paid:

- (a) to the investors who have selected the first 5 finishers in correct order, together with any other starter; or
- (b) if no investor has selected the first 5 finishers in correct order—to the investors who have selected the first 4 finishers in correct order, together with any other 2 starters; or
- (c) if no investor has selected the first 4 finishers in correct order—to the investors who have selected the first 6 finishers in any order; or
- (d) if no investor has selected the first 6 finishers in any order—into the jackpot pool for the next superfecta race of the same type (whether or not a golden superfecta race).

**Dead-heats**

7. (1) If 2 or more finishers dead-heat for any of the first 6 places:

- (a) each of those finishers is taken to have filled that place and each subsequent place up to the number of subsequent places corresponding to one less than the number of finishers involved in the dead-heat; and
- (b) the dividend pool, consolation pool or golden superfecta pool is to be divided into as many equal sub-pools as there are backed winning groups; and

- (c) the amount contained in a sub-pool so created is to be paid to investors in accordance with clause 4, 5 or 6 as if the sub-pool were a dividend pool, consolation pool or golden superfecta pool.

(2) In this clause, a reference to a winning group, in relation to a dividend pool, consolation pool or golden superfecta pool, is a reference:

- (a) except as provided by paragraph (b)—to one of 2 or more winning permutations of finishers (that is, groups of finishers selected in correct order); or
- (b) in relation to a proposed payment under clause 6 (2) (c)—to one of 2 or more winning combinations of finishers (that is, groups of finishers selected in any order), such that the investors in any one such group would (were that group to be the only such group) be entitled to payment from the pool in accordance with clause 4, 5 or 6.

## PART 2—REFUNDS

### Termination of investment pool

8. If an investment pool for a superfecta race is terminated under this Rule, the whole amount invested on the race must be refunded to the investors.

### Refunds on scratchings

9. (1) If there are 1 or more scratchings in a superfecta race, an investor whose selection for the race includes any of those scratchings is entitled only to a refund of his or her investment.

(2) Any such refund is to be paid out of the investment pool.

## SCHEDULE 7—DOUBLES TOTALIZATORS (Cl. 21)

### PART 1—DIVIDENDS

#### Distribution of dividend generally

1. (1) Money invested on a doubles totalizer (less any amounts deducted under Part 3 of the Act or under Part 3 of the Totalizator (Off-course Betting) Act 1964) is to be paid into a dividend pool.

(2) The dividend pool is to be divided among the investors who have selected the first of the following combinations that is backed:

- (a) first leg winner with second leg winner;
- (b) first leg winner with second leg second;
- (c) first leg winner with second leg third;
- (d) first leg second with second leg winner;
- (e) first leg second with second leg second;

- (f) first leg second with second leg third;
- (g) first leg third with second leg winner;
- (h) first leg third with second leg second;
- (i) first leg third with second leg third.

### **Dead-heats**

2. (1) If, as a result of a dead-heat in any race to which the double relates, investors on 2 or more Combinations of finishers become entitled to a dividend:
  - (a) the dividend pool is to be divided into as many equal parts as there are such combinations that are backed; and
  - (b) each part is to be divided among the investors on each such combination.
- (2) If 2 or more finishers included in a bracket run in a dead-heat, 1 only is to be taken to have run in the dead-heat for the purposes of this clause.

### **Non-starters in second leg**

3. (1) If an investment is made on a combination of the winner of the first leg with a non-starter in the second leg, there is to be paid out of the dividend pool, in respect of each unit of investment, a dividend determined by dividing the dividend pool by the total number of units of investment on any combinations that include the winner in the first leg.
- (2) If the winner in the first leg runs in a dead-heat, the dividend is to be determined:
  - (a) by dividing the dividend pool by the number of backed combinations involved in the dead-heat; and
  - (b) by dividing each sub-pool so created by the total number of units of investment on any combinations that include the winner in the first leg.
- (3) This clause applies to:
  - (a) combinations that include the second finisher in the first leg with a non-starter in the second leg, in cases where the winner of the first leg has not been taken in any combination; and
  - (b) combinations that include the third finisher in the first leg with a non-starter in the second leg, in cases where neither the winner nor the second finisher of the first leg has been taken in any combination.
- (4) If 2 or more finishers included in a bracket run in a dead-heat, 1 only is to be taken to have run in the dead-heat for the purposes of this clause.
- (5) Clauses 1 and 2 apply to the dividend pool after deduction of any dividends payable under this clause to investors on combinations that include a non-starter in the second leg.

### **Second leg abandoned or postponed**

4. (1) If a second leg is abandoned or postponed to another date, the dividend pool is to be divided among the investors on the winner of the first leg.
- (2) If there are no investors on the winner, the dividend pool is to be divided among the investors on the second finisher.

(3) If there are no investors on either the winner or the second finisher, the dividend pool is to be divided among the investors on the third finisher.

(4) If, as the result of a dead-heat, investors on 2 or more finishers become entitled to a dividend under this clause:

(a) the dividend pool is to be divided into as many equal parts as there are backed finishers running in the dead-heat; and

(b) each part is to be divided among the investors on each such finisher.

(5) If 2 or more finishers included in a bracket run in the dead-heat, 1 only is to be taken to have run in the dead-heat for the purposes of this clause.

#### **Bracketed finishers in winning combination**

5. If a winning combination includes bracketed finishers in the first or second legs, or in both legs, all investors on the combination are entitled to receive the dividend declared.

#### **Sec. 10H (3) of the Act (minimum dividends) not to apply in certain cases**

6. Section 10H (3) of the Act does not apply to a doubles totalizator if the total amount of the dividends payable in accordance with this Part would, but for this clause, exceed the total amount paid into the totalizator (less any amounts refundable to investors or transferable to the win pool of the win and place totalizator).

### **PART 2—TRANSFERS TO WIN POOLS AND REFUNDS**

#### **First leg scratchings**

7. (1) Any money invested on a combination of a non-starter in the first leg with any contestant in the second leg must:

(a) if the relevant ticket is presented to the racing club or the TAB before investments have ceased to be accepted on the second leg—be refunded to the investor; or

(b) if the money is not so refunded:

(i) be transferred to the win pool of any win and place totalizator operating on the second leg; and

(ii) be invested on the contestant selected in the second leg.

(2) Subclause (1) (b) does not apply if the non-starter is included in a bracket (unless all the contestants included in the bracket are non-starters).

(3) Subclause (1) (b) does not apply in respect of a double conducted by the TAB pursuant to a determination by the Minister under section 12 (3) of the Totalizator (Off-course Betting) Act 1964:

(a) if the second leg contestants are included in brackets created by the TAB before they have been allocated numbers by the racing club conducting the race meeting; or

(b) in such special circumstances as may be approved by the Minister.

(4) Money that is not transferred in accordance with subclause (1) (b) is to be refunded to the investors.

#### **First leg abandoned or postponed**

8. (1) If, before the starting time of the second leg, a first leg is abandoned or postponed to another date, any investment on the double must:

- (a) if the relevant ticket is presented to the racing club or the TAB before investments have ceased to be accepted on the second leg—be refunded to the investor; or
- (b) if the investment is not so refunded:
  - (i) be transferred to the win pool of any win and place totalizator operating on the second leg; and
  - (ii) be invested on the contestant selected in the second leg.

(2) Money that is not transferred in accordance with subclause (1) (b) is to be refunded to the investors.

(3) If, after the starting time of the second leg, a first leg is abandoned or postponed to another date, any investments on the double must be refunded to the investors.

#### **Second leg abandoned or postponed**

9. (1) If a second leg is abandoned or postponed to another date, any investment on the double must, if the relevant ticket is presented to the racing club or the TAB before investments have ceased to be accepted on the first leg, be refunded to the investor.

(2) If a second leg is abandoned or postponed to another date and there are no investors entitled under Part 1 to a dividend on the results of the first leg, the amount invested on the double must be refunded to the investors.

#### **Non-starter in second leg**

10. Any money invested on a combination of a contestant in the first leg with a non-starter in the second leg must, if the relevant ticket is presented to the racing club or the TAB before investments have ceased to be accepted on the first leg, be refunded to the investor.

#### **Re-run of races or first leg run after second leg**

11. If, by order of the Stewards, either leg of a double is re-run or the first leg is run after the starting time of the second leg, the money invested on the totalizator must:

- (a) in the case of money invested on a combination in which a contestant in the first leg is withdrawn and the first leg is run, or re-run, after the starting time of the second leg—be refunded to the investors; or
- (b) in any other case—be distributed by way of dividend in accordance with this Schedule.

**No combination backed**

12. If none of the combinations in respect of which dividends are payable under Part 1 are backed, the whole amount invested on the race must be refunded to the investors.

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SCHEDULE 1—WIN AND PLACE TOTALIZATORS

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#### **EXPLANATORY NOTE**

The object of this Rule is to repeal and remake, with minor modifications only, the provisions of the various rules under the Totalizer Act 1916. The new Rule makes provision for the following matters:

- (a) the manner in which investments are to be made on the various forms of totalizer (Part 2); and
- (b) the manner in which dividends and refunds are to be made from the various forms of totalizer (Part 3); and
- (c) specific provisions with respect to the various forms of totalizer (Part 4); and
- (d) other provisions of a minor, consequential or ancillary nature (Parts 1 and 5).

This Rule is made under the Totalizer Act 1916, including section 20 (the general rule making power).

This Rule is made in connection with the staged repeal of subordinate legislation under the Subordinate Legislation Act 1989.

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